

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) PAULINE A. RAHHAL,)	
)	
Plaintiff,)	
)	
v.)	Case No.: <u>CIV-12-1180-D</u>
)	
(1) METROPOLITAN PROPERTY & CASUALTY)	
INSURANCE COMPANY, d/b/a METLIFE AUTO)	
AND HOME, and (2) CSC, f/k/a COMPUTER)	
SCIENCES CORPORATION)	
)	
Defendants.)	

NOTICE OF REMOVAL

COMES NOW the Defendant Metropolitan Property & Casualty Insurance Company ("Metropolitan Property & Casualty"), and pursuant to 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c) states:

1. The above entitled suit was filed in the District Court of Oklahoma County, State of Oklahoma as Case No. CJ-2011-8263 on October 28, 2011. No summons have been issued. Defendant Metropolitan Property & Casualty Insurance Company has not been served and Plaintiff did not otherwise provide Defendant with the initial pleading. Metropolitan Property & Casualty obtained a copy of Plaintiff's initial pleading by downloading it from OSCN within 30 days of filing this Notice of Removal. This was the first notice Metropolitan Property & Casualty Insurance Company received that this suit had been filed. On October 23, 2012, the undersigned counsel, on behalf of Defendant

Metropolitan Property & Casualty filed in the State Court action a Special Appearance and Motion to Dismiss requesting dismissal pursuant to 12 O.S. §2004(I) due to Plaintiff's failure to serve the Defendant within 180 days. This motion is pending. In accordance with 28 U.S.C. §1446(a) and LCvR 81.2, a copy of the docket sheet and a copy of all documents filed or served in the Oklahoma County case are attached to this Notice as Exhibit "1" through "2".

2. Plaintiff Pauline A. Rahhal is a citizen of the State of Oklahoma and is domiciled in Oklahoma County, Oklahoma.

3. Defendant Metropolitan Property & Casualty is licensed to do business in the State of Oklahoma, incorporated in the State of Rhode Island and its principal place of business is in Rhode Island; therefore, Metropolitan Property & Casualty is deemed to be a Rhode Island citizen for purposes of diversity.

4. Defendant CSC f/k/a Computer Sciences Corporation is licensed to do business in the State of Oklahoma, incorporated in the State of Nevada and its principal place of business is in Falls Church, Virginia; therefore, CSC is deemed to be a citizen of Nevada and Virginia for purposes of diversity.

5. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1332. Removal is proper pursuant to 28 U.S.C. §1441, et seq.

6. In this case, Plaintiff brings causes of action for civil conspiracy, breach of insurance contract and bad faith against Metropolitan Property & Casualty. Plaintiff brings

causes of action for civil conspiracy and interference with contract against Defendant CSC.

7. The Petition alleges that Plaintiff seeks damages “in an amount in excess of \$75,000.00.” Thus, the amount in controversy exceeds the amount which is required for diversity jurisdiction.

8. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has jurisdiction because of the complete diversity of citizenship of the parties and there is a sufficient amount in controversy.

9. Pursuant to 28 U.S.C. § 1446(a), Defendant Metropolitan Property & Casualty acknowledges that this Notice of Removal is signed and filed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant, Metropolitan Property & Casualty Insurance Company requests this Notice of Removal be accepted by this Court and that the lawsuit proceed as an action properly removed to this Court’s jurisdiction.

Respectfully submitted,

WILSON, CAIN & ACQUAVIVA
300 Northwest 13th Street, Suite 100
Oklahoma City, Oklahoma 73103
Telephone: (405) 236-2600
Facsimile: (405) 236-2607

/s/ Tim D. Cain

Tim D. Cain, OBA #11779

Attorney for Defendant

***Metropolitan Property & Casualty Insurance
Company***

CERTIFICATE OF SERVICE

 X I hereby certify that on October 25, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Reggie N. Whitten, OBA #9576
Michael Burrage, OBA #1350
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~and~

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Attorneys for Plaintiff

 I hereby certify that on October 25, 2012, I served the attached document by Certified, Return Receipt Requested on the following, who are not registered participants of the ECF System:

/s/ Tim D. Cain

Tim D. Cain